

REMARKS

Upon entry of the present amendment, claims 1 and 23 will have been amended to clarify a feature of the present invention and no claims will have been cancelled. Claims 4-6, 9, 13, 14 and 17-22 will have been amended to enhance the clarity of the language.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants respectfully thank the Examiner for accepting the drawings filed on September 17, 2003. Applicants further respectfully thank the Examiner for acknowledging their Claim of Foreign Priority and for confirming receipt of the certified copies of the foreign priority documents. Additionally, Applicants respectfully thank the Examiner for considering each of the documents cited in the Information Disclosure Statement filed in the present application on December 17, 2003.

In the outstanding Official Action, the Examiner rejected claims 1-8, 10-16 and 21-23 under 35 U.S.C. § 102(b) as being anticipated by HATTORI (U.S. Patent No. 5,748,352). Applicants respectfully traverse the above rejection and submit that it is no longer appropriate.

According to a feature of an embodiment, an optical scanning system includes an optical element. The optical element is recited to include, inter alia, a central area "configured to transmit part of the laser beam at the central axis of the laser beam". It is respectfully submitted that at least this feature, in the claimed combination, is not taught, disclosed nor rendered obvious by HATTORI.

In setting forth the disclosure of the HATTORI reference, the Examiner asserted Fig. 10 and center 114 as disclosing a central area transmitting part of the laser beam is transmitted as claimed. However, this is incorrect. As clearly set forth in HATTORI at column 10, line 17, a plurality of covers 114 are aligned in the aperture. Thus, it is quite clear that at the central axis of the laser beam, the optical element of HATTORI does not transmit but rather blocks the transmission of the laser beam. Accordingly, it is respectfully submitted that HATTORI contains an inadequate and insufficient disclosure with respect to the combination of features recited in Applicants claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of all the allowability of all the claims pending in the present application.

In the outstanding Official Action, the Examiner indicated that claims 9 and 17-20 are objected to but would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. At least in view of the reasons for the allowability of claims 1 and 23 and of the present application, Applicants respectfully decline to rewrite any of the claims into independent form at this time.

Applicants note the Examiner's Statement of Reasons for Indication of Allowable Subject Matter. In this regard, while Applicants do not disagree with any of the features noted by the Examiner, Applicants further note that each of the claims in the present application sets forth a combination of features and the basis for patentability of each of these claims is also thus based on the totality of features recited therein. Accordingly, the reasons for allowability should not be limited to those features enumerated by the Examiner.


SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended claims 1 and 23 to clarify the features thereof. Applicants have further discussed the reference applied by the Examiner and with respect to such reference, have pointed out the shortcomings and deficiencies thereof. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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